

EXHIBIT 14

1

UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

3

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

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CONFIDENTIAL PORTIONS DESIGNATED

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10 Continued Videotaped Deposition of EDWARD E.
11 LEAMER, PH.D., Volume 3, taken at the offices
12 of O'Melvey & Myers LLP, Two Embarcadero Center,
13 Suite 2800, San Francisco, California commencing
14 at 9:03 a.m., on Monday, November 18, 2013,
15 before Leslie Rockwood, RPR, CSR No. 3462.

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JOB No. 1765129

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1 Q. And so when you constructed your model, you
2 assumed a contract between Apple -- a no cold-call
3 agreement between Apple and Intel?

4 A. No, I would not have done anything differently
5 because I've got -- I still have got the chain. If you 13:51:10
6 break the chain, then maybe there's an issue. As long as
7 there's a chain of interlinked firms, then this thing is
8 going to leak out to all the firms involved in that
9 conspiracy.

10 Q. So, for example, one could eliminate several of 13:51:26
11 the actual bilateral agreements, and in your view, the
12 impact would be the same --

13 A. No.

14 Q. -- of the class?

15 A. No, the impact would be less because the 13:51:36
16 information flow is -- is not being -- it's being legally
17 reduced, not illegally reduced, according to your
18 hypothetical.

19 Q. But if you, for example, were to eliminate the
20 agreement between Intel and Pixar, that would have no 13:51:58
21 impact on your damages analysis?

22 A. Well, the damage analysis that I've made doesn't
23 refer at all to this bilateral relationships. It treats
24 the conspiracy as a single overriding fact, and I'm just
25 making a presumption that that overriding fact requires 13:52:23

1 there to be linkages between all these firms. And thus
2 to the extent that you eliminate enough of these linkages
3 so that some firm is standing off by itself or
4 disconnected from the other firms, then I could see there
5 might be a consideration.

13:52:41

6 Q. But as long as it's connected by one link, it
7 doesn't matter whether it's one, two, or three links?

8 A. We talked about that before. I think it could
9 matter. The number of linkages could matter. And I
10 explored some ideas about how to embody that in my
11 regression analysis.

13:52:53

12 Q. But your regression analysis doesn't take into
13 account how many links there are among the defendants?

14 A. That's correct.

15 Q. Did you carry out a sensitivity analysis on the
16 new version of your model in Exhibit 2 of your
17 October 28th report?

13:53:17

18 A. Yes, in fact, much of it is -- some of it is
19 reported right here in this document.

20 Q. And that would be which exhibits?

13:53:34

21 A. Exhibit 4, Exhibit 5, Exhibit 6.

22 Q. Do you have your reply report available,
23 Dr. Leamer?

24 A. Do you happen to have the date on that? Because
25 I think I have two reply reports.

13:54:10